

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2004/003380

International filing date (day/month/year)
12.03.2004

Priority date (day/month/year)
17.03.2003

International Patent Classification (IPC) or both national classification and IPC
G04G5/00, G04G1/00, H01Q1/00

Applicant
CASIO COMPUTER CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/003380

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,4,5,9,10,20-22
Inventive step (IS)	Yes: Claims	
	No: Claims	2,3,6,7,8,11-19
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

see form 210

Re Item V.

The following documents are referred to in this communication:

- D1 : EP 0 372 430 A (ATE CORP) 13 June 1990 (1990-06-13)
- D2: US-A-4 315 332 (SAKAMI RYOICHIRO ET AL) 9 February 1982 (1982-02-09)
- D3: EP-A-0 431 887 (SEIKO EPSON CORP) 12 June 1991 (1991-06-12)

1 INDEPENDENT CLAIMS 1, 11 and 20

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 20 is not new in the sense of Article 33(2) PCT.

Furthermore, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not inventive in the sense of Article 33(2) PCT.

1.1 Document D1 discloses a wristwatch/receiver comprising:

- a) an antenna (col. 4 line 23 or Fig. 1 element 12);
- b) a variable capacitor connected to the antenna (abstract or Fig. 2 elements 24, 30);
- c) a controller which determines an optimum capacitance of the variable capacitor with which the radio wave receiver is in a predetermined reception state (col. 4 lines 35-37 and col. 5 lines 36-40);
- d) the controller writes optimum capacitance data into a memory (col. 6 lines 11-14 and lines 51-54);
- e) the controller controls the variable capacitor based on the optimum capacitance data (from col. 6 line 55 to col. 7 line 7).

Therefore, the subject-matter of claim 1 is not new (Article 33(2) PCT).

1.2 The device described in D1 performs all the steps of the method of claim 20 (see also paragraph 1.1, points a-e).

As a consequence, the subject-matter of claim 20 is not new (Article 33(2) PCT).

- 1.3 Document D1 discloses a wristwatch. Therefore it implicitly discloses a clocking unit for counting a current time. This wristwatch differs from the device of claim 11 by the fact that:

- f) no time code generator is explicitly disclosed in D1;
- g) no correction unit is explicitly disclosed in D1.

However, radio-controlled timepieces are well known in the art to be devices which are able to read a time encoded in a data string received via a radio signal and to correct the current time values displayed by the watch on the basis of the data received via the radio signal (see for example document D2).

The skilled man would therefore, without the exercise of any inventive skill, use the communication system implemented in the device of document D1 to obtain a time correction for the current time value displayed by the wristwatch.

For this reason, the subject-matter of claim 11 is not inventive (Article 33(3) PCT).

It is also noted that claim 11, which has been drafted (and treated by the search division) as an independent claim, is in fact dependent on claim 1 because it contains all the features of this claim.

2 DEPENDENT CLAIMS 2, 3, 12, 13

Dependent claims 2, 3, 12 and 13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT). The reason is given by the fact that:

the use of a capacitor array where each capacitor is controlled by a switch is known in the art to provide a variable capacitance (see, for example, document D3).

For the above reason in combination with the reasons given in paragraph 1.1, the subject-matter of claims 2 and 3 is not inventive (Article 33(3) PCT). Furthermore, for the above reason in combination with the reasons given in paragraph 1.3, the subject-matter of claims 12 and 13 is also not inventive (Article 33(3) PCT).

3 DEPENDENT CLAIMS 4-10,14-19

Dependent claims 4-10 and 14-19 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

In addition to the above mentioned features a) - e), document D1 discloses:

h) the definition of a "tuning mode" (col. 5 line 36) and of a "listen mode" (col. 6 lines 57-58);

l) an "optimum capacitance" condition reached on the basis of a peak detection (col. 6 lines 51-54);

j) the possibility of storing in the memory more than one optimal capacitance value (col. 6 lines 15-41);

k) the possibility of locking input frequencies in a reception band of 88-108 MHz (col. 4 line 28).

Due to the above mentioned features h) - k) in combination with the reasons given in paragraphs 1.1 and 1.3, the subject matter of claims 4-10 and 14-19 does not meet the requirements of Article 33(2) and/or (3) PCT.

4 DEPENDENT CLAIMS 21 AND 22

Dependent claims 21 and 22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT).

Document D1 discloses a method for determining the optimum capacitance value based on steps of:

l) gradually varying the capacitance value (col. 5 lines 36-41) and

m) determining the peak of the received signal strength (col. 5 lines 36-41).

Therefore the subject matter of claims 21 and 22 is not new (Article 33(2) PCT).